

REMARKS

Responsive to the outstanding Office Action, applicant has carefully studied the Examiner's rejections. The claims pending in this application are claims 10-18. Favorable reconsideration of the application in light of the following detailed arguments is respectfully requested.

REJECTION OF CLAIMS UNDER 35 USC §112

In the outstanding Office Action, the Examiner rejected all of the pending claims, that is claims 10-18 under 35 USC §112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner indicated that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the invention was filed, had possession, of the claimed invention. The specific content rejected by the Examiner is the limitation "without phase change" in claim 10.

In response thereto, the Examiner's attention is drawn to page 7 of the application, as filed. On this page, specifically, in the example discussed therein, it is respectfully submitted that this concept is disclosed in the application. It is first noted that "the EDC of the above specification was evaporated in a heated vessel 24". The specification goes on to note that the "level in said vessel was kept at a constant value by feeding EDC of the same quality via 25." The specification indicates that the evaporation occurred at a pressure of 1.3 bar and the corresponding saturated vapor of 92°C. It is then noted that the vapors were

compressed by compressor 26 to 3.05 bars at a temperature of 133°C. Then, it is noted that “the vapors superheated by approx. 8K were fully condensed in condenser 27.”

From the disclosure in this paragraph, several observations can be made.

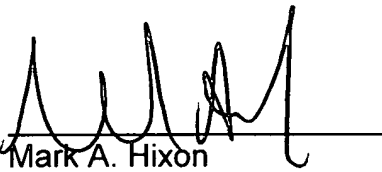
- 1) At a temperature of 92°C and a pressure of 1.3 bar, all EDC was in vaporous form when it entered the compressor.
- 2) During the compression process in compressor 26, EDC vapor is heated up to 133°C. This is standard when compressing gaseous substances and is a principle of basic thermodynamics. One skilled in the art of the present invention would have a thorough understanding of basic thermodynamics and would thus fully apprehend this principle. The pressure of outlet 26, as noted, was 3.05 bar.
- 3) It is disclosed that subsequent to compression, the vapor was superheated by 8 K. Again, an understanding of the physics (and the terminology) involved would lead one skilled in the art to realize that for a vapor superheated by 8 K, 8 K of cooling must occur before any condensation would occur. This is intrinsic to the definition of a superheated vapor.
- 4) Since the EDC was in a vapor state when entering the compressor and in a vapor state when exiting the compressor, and since the vapor was maintained in the compressor at a temperature and pressure unsuitable for condensation, one skilled in the art would recognize that no phase change occurred. It is in fact submitted that under the superheated conditions described, no phase change could have occurred without cooling.

In view of the above, the amendment to claim 10 of "without phase change" is supported by the original specification as filed. One skilled in the art would recognize from the disclosure that not only did phase change not occur, but in the conditions described could not have occurred with active cooling of the vapor. It is therefore submitted that this rejection against claim 10 is improper and should be withdrawn.

SUMMARY

As it is believed that the stated rejection of the application has been overcome it is respectfully submitted that this application is in condition for allowance. It is also submitted that if the Examiner should apply a new art rejection against this application in view of applicant's overcoming the present rejection, that any office action based thereupon should be non-final. Should the Examiner wish to modify the application in any way, applicant's attorney suggests a telephone interview in order to expedite the prosecution of the application.

Respectfully submitted,



Mark A. Hixon
Registration No. 44,766

ATTORNEYS

Marshall & Melhorn, LLC
Four SeaGate - 8th Floor
Toledo, Ohio 43604
(419) 249-7114
(419) 249-5171 Facsimile